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Report of the Working Group on the Universal Periodic Review*

Vanuatu

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its eighteenth session from 27 January to 7 February 2014. The review of Vanuatu was held at the 7th meeting on 30 January 2014. The delegation of Vanuatu was headed by Jenny Tevi, Department of Foreign Affairs. At its 14th meeting held on 4 February 2014, the Working Group adopted the report on Vanuatu.

2. On 15 January 2014, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Vanuatu: Algeria, Brazil and Maldives.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Vanuatu:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/18/VUT/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/18/VUT/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/18/VUT/3 and Corr.1).

4. A list of questions prepared in advance by Belgium, Czech Republic, Germany, Liechtenstein, Mexico, the Netherlands, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Vanuatu through the troika. These questions are available on the extranet of the universal periodic review (UPR).

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Jenny Tevi, Head of Delegation, Department of Foreign Affairs, introduced the report of Vanuatu.

6. Vanuatu thanked the staff of OHCHR and the Pacific Islands Forum who had been of great assistance in the drafting of its second UPR report (A/HRC/WG.6/18/VUT/1) in March and July 2013.

7. The Government of Vanuatu had submitted its first national UPR report to the Human Rights Council in May 2009. Vanuatu had received 48 recommendations during its first review. Since the adoption of the first UPR outcome report, Vanuatu had worked hard to implement the recommendations and commitments with all the relevant parties, including government agencies, official institutions and civil society organizations. It was important to note, however, that Vanuatu continued to face challenges in the implementation of the recommendations.

8. The delegation noted that, in February 2013, the Office of the Prime Minister had appointed an UPR committee comprised of 10 government officials and 1 civil society representative to complete, with the assistance of OHCHR, the second UPR national report.

9. Vanuatu then reported on a number of its recent achievements.

10. The delegation highlighted the completion of the review under chapters 3 (Criminalization and Law Enforcement) and 4 (International Cooperation) of the United Nations Convention against Corruption (UNCAC) by the United Nations Office on Drugs and Crime (UNODC).

11. Vanuatu also indicated that its initial report under the Convention on Rights of Persons with Disabilities (CRPD) had been completed in 2012, following the ratification of that Convention in October 2008. The report had been put to full national consultation in all provinces to provide awareness on the rights of persons with disabilities before it was presented to the United Nations.

12. Both the Government and the private sector were providing employment to persons with disabilities, and special schools for persons with hearing impairments and other children with disabilities had been established in Sanma province. Moreover, the Building Code passed recently, in the Parliament's 2013 sitting, would ensure access for persons with disabilities to new and existing facilities. In 2012, a person with a disability contested the national elections for the very first time. Moreover, the Education Policy included free education to all, including children with disabilities, and three successful scholarships had been given to special education teachers so that they would be able to assist in setting the curriculum. The establishment of the Disability Desk Officer in 2010 at the Ministry of Justice was also noted.

13. The delegation noted that the second and third periodic reports under the Convention on the Rights of the Child (CRC) had also been completed with the assistance of stakeholders. It was highlighted that, since 2010, the Universal Primary Education Policy had provided free education to all in Government-owned primary schools from classes 1 to 6. There were still, however, no sanctions for parents who failed to send their children to school. In 2011, 9,033 girls attended secondary education, a figure which in 2012 increased to 9,173. The delegation also noted: the Inclusive Education Policy 2011–2015, which covered children, including those with disabilities; the establishment of the Child Desk Officer in 2009 at the Department of Women's Affairs, which is an achievement in the coordination of the implementation of CRC; and the conclusion of the National Children's Policy 2012–2013, with the assistance of the Child Desk Officer.

14. The fourth and fifth reports of Vanuatu under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) had been completed with support from other stakeholders and would be sent to the United Nations in 2014. In addition, the Department of Women's Affairs was currently reviewing the Family Protection Act.

15. It was also indicated that awareness-raising activities had been so far carried out in three provinces, with a focus on domestic violence. The Government had additionally established a family protection unit, housed by the Vanuatu Police Force, in four provinces to deal and investigate reports of domestic violence. The family protection units had reported an increase in the number of cases of domestic and sexual violence in 2011, from 77 cases to 2,010 cases in 2012; that was primarily due to families being increasingly aware of their rights. A total of over 437 awareness-raising programmes had been conducted by the Vanuatu Police Force on domestic violence. Moreover, the Department of Women's Affairs continued to raise awareness of CEDAW, human rights, gender and the Family Protection Act among church communities, magistrates and police officers, and communities had responded positively.

16. The delegation also highlighted that: the Employment Act of 2009 and 2010 had been amended with respect to annual leave, maternity leave and minimum wages; the post of Gender Officer at the Department of Women's Affairs had been established to mainstream gender in national policies; and the Municipality Act had been amended to allocate a 30 per cent quota of reserved seats for women on the municipal councils. Prior to

the latter temporary special measure being introduced, there had been only one female councillor, but, in January 2014, of the 40 women who contested the Port Vila municipality elections, five were elected.

17. The delegation observed that the visit of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2010 had assisted the Correctional Services Department to review internal processes and procedures in order to eradicate the inhuman treatment of detainees. The establishment of an external inspection team, comprised of independent members from the Ministry of Health, the Ministry of Youth Development, Sport and Training, the Malvatumauri National Council of Chiefs and Vanuatu Christian Council, to inspect the conditions and treatment in prisons and promote the human rights of detainees was also noted. The first report of the inspection team had been published in 2013 and was available on the Department's website.

18. The delegation noted the establishment of the Ministry of Climate Change in 2013 to address climate change and disasters that had a negative impact, including on women and children, owing to impacts on farming, forestry, fishing and food and water security. It was also recalled that Vanuatu had attended the nineteenth session of the Conference of the Parties of the United Nations Framework Convention on Climate Change in November 2013 in Warsaw.

19. The institution of reproductive health awareness-raising in two provinces, with assistance from the United Nations Population Fund (UNFPA) and other donor partners, for the 2013–2017 cycle was also noted.

20. The delegation underscored the challenges and constraints that Vanuatu had encountered, which included: its geographical location and financial constraints on travel to Geneva to be present for the UPR; the lack of human resources for the implementation of recommendations; donor-centred funding; the fact that not all children with disabilities attended formal education; the lack of financial assistance to effectively address areas that required reform, which included transpose conventions into domestic legislation; the lack of understanding of and interest in the United Nations human rights conventions; the lack of internal capacity to translate human rights conventions into domestic legislation; traditional barriers stopping women from engaging in key climate change sectors; the lack of education on climate change and adaptation in communities.

21. The delegation noted that the Government had recently committed to developing best practices concerning youth juveniles.

22. It was also underscored that the Constitution provided equal rights under the law to all persons, including persons with disabilities. However, discrimination based on sexual orientation or HIV/AIDS was not specifically addressed by the Constitution. In 2011, Vanuatu had established the National AIDS Committee and launched a standard guide for counselling services and HIV/AIDS testing facilities. As of 2011, there had been six reported cases of HIV/AIDS in the country.

23. Vanuatu reported that the Ministry of Health was progressively ensuring adequate access by the population to quality basic health services through the National Policy and Strategy for Healthy Islands 2011–2015. The Ministry of Health was currently conducting awareness-raising and campaigns in remote rural communities and providing medication upon request. Malaria and tuberculosis cases had dropped from 17,500 cases in 2003 to less than 6,000 in 2011, according to MDG reports.

24. With regard to its institutional framework, Vanuatu indicated that, in February 2013, the Ministry of Justice and Community Services appointed an interim National Human Rights Committee. Its mandate would be to coordinate all human rights issues and monitor and evaluate the status of national reports. That was a step towards establishing a national

human rights institution (NHRI) in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

25. It was added that the Office of the Ombudsman had benefited from training and workshops on human rights. The Office had so far published 10 public reports, completed investigations into 100 cases and had 260 cases pending. The Office would also be undergoing a review under both the Ombudsman Act and the Leadership Code to give it more power to be able to prosecute cases.

26. Lastly, Vanuatu had established the Treaties and Conventions Division within the Department of Foreign Affairs in 2011 which was working closely with the Ministry of Justice to ensure that any future international conventions and treaties that Vanuatu wished to ratify underwent proper national consultations so that the citizens appreciated the content and obligations of the convention and the importance of reporting under the conventions once ratified.

B. Interactive dialogue and responses by the State under review

27. During the interactive dialogue, 41 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report.

28. Armenia highlighted national policies and action plans in the field of education, health care, women's rights and equality, particularly the National Plan of Action for Women 2012–2016, Education for All 2001–2015, and National Strategic Plan for HIV and STIs 2014–2018. It noted measures to improve the health-care system and ensure adequate access to basic health services, particularly through the National Policy and Strategy for Healthy Islands 2011–2015 implemented by the Ministry of Health. Armenia made recommendations.

29. Australia commended accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the ratification of UNCAC and progress towards implementing CRPD. It welcomed the free and fair elections in Vanuatu in 2012 and initiatives to promote gender equality through community awareness-raising programmes and legislative changes. It also commended initiatives to reduce violence against women, particularly the establishment of family protection units and the promotion of women's participation in municipal councils. However, it remained concerned at the high rates of domestic violence. It welcomed efforts in the area of education. Australia made recommendations.

30. Belgium commended efforts made since the first UPR of Vanuatu, in particular the ratification of CAT, the standing invitation issued to special procedure mandate holders, the creation of a national human rights committee and the adoption of the Family Protection Act. It indicated that, although numerous steps had been taken in the area of women's rights, challenges remained and the Government should meet those challenges, in particular regarding violence against women. It also welcomed measures to incorporate CRC into domestic law. Belgium made recommendations.

31. Bhutan commended efforts made by Vanuatu despite the challenges and constraints that it faced. It noted with appreciation the numerous policies adopted by the Department of Women's Affairs in its efforts to eliminate discrimination against women and protect and promote their human rights. It took note of the initiatives taken to protect women victims of domestic violence, such as the establishment of the Family Protection Unit attached to the Police. Bhutan made a recommendation.

32. Brazil noted with satisfaction that Vanuatu had been the first Pacific country to ratify CAT. It expressed appreciation for the State's efforts to implement the Family Protection Act, notably making legal aid available to domestic violence victims and raising awareness. It was concerned that the minimum age for criminal responsibility remained low and regretted that the country had yet to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). It encouraged Vanuatu to continue its efforts to align its national legislation with international human rights law. It asked what measures had been taken to ensure that the births of all children were registered. Brazil made recommendations

33. Montenegro commended the introduction of several significant law reforms in the previous period, but expressed concern at the number of important United Nations conventions not signed by Vanuatu. It also noted concerns about the minimum age of criminal responsibility and the age at which children could be taken to custody. It asked for information on the Government's intention to raise the age of criminal responsibility. Montenegro noted that, according to United Nations Joint Presences, Vanuatu had one of the highest rates of incest in the region. It asked what specific measures had been taken to prevent child, early and forced marriages. Montenegro made recommendations.

34. China noted efforts to implement accepted recommendations from the first review, particularly the ratification of CRPD, the incorporation of CRC provisions into domestic legislation, measures to protect the rights of women, children and persons with disabilities, improvements in prison conditions and the introduction of human rights education programmes, including at the regional level. It commended the progress achieved. China acknowledged the challenges faced and called on the international community to provide effective help to the country. China made recommendations.

35. Cuba noted that, despite difficulties, Vanuatu had prioritized the protection of human rights and congratulated the country for the implementation of previous UPR recommendations. It commended the implementation of policies to guarantee the socioeconomic and cultural rights of its people, especially in the areas of education, health care and gender equality. Those measures had improved the standards of protection, in particular towards eliminating discrimination against women and guaranteeing access for children and young persons to basic health care and education. Cuba made a recommendation.

36. Estonia welcomed accession to the Rome Statute of the International Criminal Court (ICC) and the ratification of UNCAC and CAT. It invited the Government to ratify the Kampala amendments to the Rome Statute and the Agreement on the Privileges and Immunities of the ICC. It appreciated the progress in the implementation of CEDAW and the Family Protection Act and encouraged full incorporation of CEDAW provisions into domestic legislation. It invited the Government to provide the Department of Women's Affairs with the capacity and resources necessary and to continue efforts to ensure equal opportunities for quality education throughout the country. Estonia made recommendations.

37. France requested information on progress made in renovating the Port Vila prisons. It commended Vanuatu on its accession to CAT and UNCAC and asked about implementation of the latter, in particular with respect to measures to prevent corruption and the promotion of transparency in the public and private sector. France made recommendations.

38. Germany commended efforts to improve the human rights situation in Vanuatu, including measures introduced to provide free primary education, progress made with respect to access to safe drinking water and first steps taken to establish a national human rights institution. Germany made recommendations.

39. Indonesia noted efforts to promote and protect human rights in Vanuatu, in particular the various strategies to ensure the rights of women, the right to education and the right to health. It expressed its appreciation for efforts to develop the National Disability Policy and Plan of Action and the National Children's Policy 2008–2015. Indonesia made recommendations.

40. Iraq noted important legislation promulgated, which would be implemented through national plans to ensure the political rights of women. It welcomed the accession to CAT and commended advances made towards gender equality, as well as the establishment of the Ombudsman Office to deal with complaints. Iraq made recommendations.

41. Ireland acknowledged the appointment of an interim national human rights committee. It welcomed the ratification of CAT and accession to the Rome Statute of the ICC, but noted that it had yet to ratify the Agreement on Privileges and Immunities of the ICC, and the need for national legislation to be fully aligned with the Rome Statute. It also commended the ratification of UNCAC and the development of a bill on freedom of information. Ireland made recommendations.

42. Malaysia noted ongoing policies and programmes initiated to enhance the protection of human rights, particularly the rights of women, children and persons with disabilities, and increased efforts in the areas of health and education. It encouraged Vanuatu to intensify efforts to establish a NHRI in accordance with the Paris Principles. It supported the request made by the Government for additional technical and financial assistance from the international community for the implementation of human rights conventions. Malaysia made a recommendation.

43. Maldives welcomed the accession of Vanuatu to the Rome Statute of the ICC, as well as the ratification of CRPD and CAT. It urged Vanuatu to expedite the establishment of a NHRI through assistance from OHCHR and international partners. It encouraged increased efforts to raise awareness of and provide platforms for community-level involvement in the new National Climate Change and Disaster Risk Reduction Policy. It also encouraged the Government to continue efforts to raise awareness of the prosecution of sexual offences and domestic violence, to continue training law enforcement officials and to conduct community training programmes in those areas. Maldives made recommendations.

44. Mexico appreciated progress made by Vanuatu in assessing its education needs. It noted, however, that free compulsory public primary education should be guaranteed. It encouraged Vanuatu to promote a culture of continuous education among its people, emphasizing the importance of secondary and university education for all. The UPR process would help Vanuatu in addressing its human rights challenges. Mexico made recommendations.

45. Canada requested information on specific steps taken to ensure changes in customary cultural practices that discriminated against women. It congratulated Vanuatu on its efforts to ensure women's participation in political life and their accession to leadership roles. It encouraged it to continue to develop policies to foster women's participation. It was concerned about high levels of domestic violence, violence against women and the lack of equal treatment of women in the justice system. It made recommendations.

46. Morocco commended Vanuatu on being the first Pacific State to ratify CAT, and on ratification of CRPD. It encouraged efforts to incorporate international human rights instruments into domestic legislation. It welcomed the appointment of an interim national human rights committee. It appreciated the priority given to protecting the rights of vulnerable groups. It welcomed efforts to address children's rights and education. It asked what measures were envisaged to establish a juvenile justice system. It noted the adoption of the National Plan of Action for Women 2012–2016. It supported the request of Vanuatu

for technical assistance and support in strengthening its capacities in the field of human rights.

47. Vanuatu replied to the questions raised.

48. In connection with the human right to safe drinking water and sanitation, Vanuatu stated that, in 2012, the Government, through the Ministry of Lands and Natural Resources and the Department of Geology, Mines and Water Resources, was aiming to ensure access to appropriate and sustainable drinking water supply for 96 per cent of the population. Twelve water and sanitation projects had been developed, 12 new water systems installed and 5 sanitation projects completed. Moreover, in 2014, 24 water systems would be maintained in communities and 20 hand pumps would be installed at each project site. A 10-year National Water Strategy had been formulated to enforce the Water Resource Management Act of 2002.

49. Additionally, in guaranteeing the right to water for all, the Government, through the Ministry of Lands and Natural Resources, was currently implementing the integrated water project, which focused on addressing access to water in the country's northern provinces of the country. It had also developed a 10-year National Water Strategy to extend the coverage of rural water supply systems to 79 per cent of rural areas in 2014.

50. On free education, the Government of Vanuatu was not yet considering free education beyond primary education, especially in the formal system. The Government had been subsidizing fees in secondary education with a grant of 8,900 vatu per child. However, after 2017, the Government would consider further a possible decision on free education beyond classes 1–6.

51. With regard to the ratification of the Agreement on the Privileges and Immunities of the ICC, Vanuatu stated that, although it had ratified the Rome Statue, it had not transposed it into its national legislation, as consultations on the matter were ongoing.

52. Vanuatu was also yet to conduct further consultations on the International Convention for the Protection of All Persons from Enforced Disappearance and would consider its ratification once those consultations were completed.

53. The delegation added that Vanuatu was progressively realizing the Convention relating to the status of refugees on the basis of the experiences of its neighbouring countries that had already ratified the Convention.

54. With regard to the question on the acceptance of the individual complaints procedures under the human rights conventions to which it was already a State party, Vanuatu was yet to consider accepting such procedures and it was seeking technical assistance in that regard.

55. On enshrining the right to education in the Constitution, it was clarified that the Government of Vanuatu would be considering the right to education through the Vanuatu Law Commission and the constitutional review committee.

56. On the issue of birth registration for all children, the delegation reported that, with the assistance of Secretariat of the Pacific Community, Vanuatu had set up a civil registry and vital statistical committee to improve the registry system, especially for to improve the link between immigration and passports, and birth certificates. To date about 80 per cent of the population had been registered.

57. The delegation explained that, in 2012, the Department of Women's Affairs and the Regional Rights Resource Team had submitted to the Vanuatu Law Commission revisions of the Penal Code. However, they were pending due to funding delays for the Children's' Act. Steps taken included working in collaboration with the Department, the United Nations Children's Fund (UNICEF) and the Ministry of Health in 2013 and 2014.

58. With regard to the Family Protection Act, the delegation reported that the Government of Vanuatu, with the assistance of donors, provided awareness-raising and assisted in establishing posts for authorized personnel and counsellors. Preliminary discussions had taken place, however, on the review of the Family Protection Act of 2008 to ensure that counsellors were registered and the existing judicial system was used to deal with cases of violence against women, and that the non-governmental organization Wan Smolbag Theatre, churches and communities could be used as counsellors.

59. Enhancing access to the judiciary system and support systems for the victims of domestic violence was a new issue for the judiciary system; however, victims of domestic violence, in particular women with disabilities, had access to legal aid. There were separate court hearings and decisions on cases. Another achievement was that the Building Code had been passed in November 2013 to ensure disability-friendly buildings.

60. With regard to the training of police officers and judges, the delegation reported that, with the assistance of the Regional Rights Resource Team, advocacy training was provided to police officers; such training for judges had yet to be provided. In the Law and Justice Sector Strategy, 2014–2017, Vanuatu would address the need for a psychologist, family therapist or clinical support during interviews of victims of sexual violence, especially that of rape, which would be available at the Family Protection Unit within the Police Force.

61. With regard to sexual violence against girls, it was stated that currently the Vanuatu Police Force's Family Protection Unit was working with cases of sexual violence. Vanuatu was also raising awareness of communities through the National Council of Women throughout the provinces, but on a very small scale and it would need technical assistance to assist in those preparations.

62. On questions regarding the right to information, the delegation confirmed that it was in the process of finalizing a bill on the right to information to go before the Parliament, and the Government had approved a comprehensive national media policy.

63. With regard to gender-based violence, Vanuatu was in the process of strengthening institutions, such as the judiciary, and including gender-based violence in its national efforts to eradicate gender-based violence.

64. The Netherlands welcomed the human rights progress made despite the difficulties for Vanuatu of being a small country, the remoteness of some of its communities and its vulnerability to natural disasters. It hoped that the UPR process would assist the Government in addressing ongoing challenges. It commended the ratification of UNCAC and the implementation of the Family Protection Act, which was a positive step towards combating domestic violence, but remained concerned about the challenges regarding corruption and the still widespread domestic violence. The Netherlands made recommendations.

65. New Zealand welcomed the clear commitment of Vanuatu in fulfilling its human rights obligations. It expressed concern, however, at the high rate of violence against women and girls, particularly intimate partner violence. It welcomed increased focus on the prevention and protection of women and girls from violence and the work towards the implementation of CRPD, including through the establishment of a Disability Desk Officer within the Department of Women's Affairs. It applauded improvements in conditions of detention and correctional facilities, including transparency provisions for new prisons planned. New Zealand made recommendations.

66. Nigeria noted the constructive engagement of Vanuatu with OHCHR, as well as its consultation with all sectors of its population in preparation of its UPR. It urged Vanuatu to prioritize the promotion and protection of human rights and called for the ratification of the

Optional Protocol to the Convention on the Rights of Persons with Disabilities. Nigeria made recommendations.

67. The Philippines commended Vanuatu for its determination to develop a national policy and action plan on gender and women and welcomed the establishment of protection units to investigate and prosecute domestic violence. It noted the accession to CAT and UNCAC and urged Vanuatu to consider acceding to other human rights instruments, including the International Convention on the Protection of the Rights of Migrant Workers and All Members of Their Families. It encouraged Vanuatu to continue to explore opportunities for cooperation and capacity-building in order to fulfil its development agenda and called on the international community to provide Vanuatu with the support and assistance for the fulfilment of economic, social and cultural rights. The Philippines made recommendations.

68. Portugal noted that Vanuatu was the first Pacific country to ratify CRPD and CAT, and welcomed efforts to tackle gender inequalities. It noted further that Vanuatu was particularly vulnerable to climate change and the impact of that phenomenon on the exercise of human rights. It encouraged efforts to mitigate the impact of climate change on human rights, particularly those developed by the National Advisory Board on Climate Change and Disaster Risk Reduction. Portugal made recommendations.

69. Singapore noted the efforts made by Vanuatu to improve public health and the significant decrease in cases of malaria and tuberculosis. It also noted that the infant mortality rate remained low and that the Government had concluded a Memorandum of Understanding with the Red Cross Society to implement community-based efforts to improve health standards and access to sanitation. Singapore noted the efforts in crime prevention and combating domestic violence. Singapore made recommendations.

70. Slovenia thanked Vanuatu for its presentation at the current review. It welcomed the positive efforts outlined by the delegation in the areas of gender equality and access to education, ratification of the CAT and other international instruments and its accession to the Rome Statute. It noted the concerns raised by stakeholders about the rates of domestic violence, including sexual violence against girls. Slovenia made recommendations.

71. Solomon Islands congratulated Vanuatu for its commitment in upholding international human rights values and law. It particularly commended efforts to formulate and mainstream national policies to safeguard the rights of women, as enshrined in CEDAW, and acknowledged action taken to protect the rights of persons with disabilities. It encouraged Vanuatu to work closely with the Human Rights Council and its donor partners to acquire the necessary resources and technical assistance for the implementation of recommendations. It made recommendations.

72. Spain applauded the progress made towards the implementation of previous recommendations, in particular the ratification of CAT. It also commended Vanuatu for its efforts to incorporate the CEDAW principles into national legislation, particularly with regard to domestic violence. Spain noted that, following certain murder cases, various national authorities had recently called for the reintroduction of the death penalty and observed that it considered it proven that such a penalty was not an effective measure in the fight against crime. Spain made recommendations.

73. Sri Lanka noted the formulation of several policies and plans at the national level in the areas of women's rights, education and health. It was encouraged by measures to combat gender-based violence and noted particularly the "no drop" policy adopted by the Public Prosecutor's Office, which ensured that cases of sexual and domestic violence could not be withdrawn. It stated that the efforts to increase access to basic health care were encouraging and considered that health education was crucial to improving health standards. Sri Lanka made recommendations.

74. Switzerland welcomed the ratification of CAT and the efforts made to implement the Family Protection Law to prevent and combat all forms of domestic violence. It also appreciated the review of national legislation with regard to CEDAW and recognized efforts to raise awareness of human rights in Vanuatu. Switzerland made recommendations.

75. Thailand welcomed the positive developments since the first review, including the extension of a standing invitation to special procedure mandate holders. It expressed its appreciation for the measures taken to promote the rights of women and children. It also welcomed that, in addition to measures taken to enhance counselling and testing, people with HIV/AIDS received free antiretroviral treatments. It urged the international community to lend necessary assistance to the Government upon its request. Thailand welcomed the fact that the new Port Vila Correctional Centre accommodated mothers with babies and persons with disabilities, in compliance with international standards. Thailand made recommendations.

76. Timor-Leste welcomed the steps taken in implementing most of the accepted recommendations from the last review, and expressed appreciation for the frankness of the national report in detailing constraints and challenges. It acknowledged that a lack of resources, both human and financial, represented a major challenge that needed to be addressed. It noted with appreciation the ongoing implementation of the Universal Primary Education Policy, which provided for free education and the right to access primary education, but was concerned that the Government had not yet formulated a compulsory education policy. Timor-Leste made recommendations.

77. Trinidad and Tobago was aware of the challenges confronting Vanuatu as a small island developing State. It noted positive actions taken, including the ratification of UNCAC, steps to reduce gender-based violence, such as the establishment of family protection units in certain districts, the banning of corporal punishment in schools, efforts to improve conditions in correctional centres and the establishment of a Disability Desk Officer attached to the Department of Women's Affairs, who focused on implementing CRPD. It made recommendations.

78. Ukraine commended efforts made by Vanuatu in the implementation of the recommendations accepted during the first review and noted the establishment of an overarching National Human Rights Committee , the development of the National Policy and Action Plan on Gender Equality and Women's Development, as well as the commitment to improving the delivery of social services. Ukraine made recommendations.

79. The United Kingdom commended Vanuatu for the progress in achieving the International Conference on Population and Development targets and Millennium Development Goals through the implementation of the country's Priorities and Action Agenda. It commended the ratification of several of the United Nations human rights treaties and asked whether Vanuatu intended to become party to any of the other human rights treaties, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR). It expressed concern at the exclusion of disability as a prohibited ground for discrimination and requested information on recent initiatives to address discrimination against persons with disabilities. It urged the Government to continue to work to prevent violence against women. It made recommendations.

80. The United States of America recognized sustained efforts to counter violence and discrimination against women and girls, particularly in rural areas, and encouraged further commitment in that area. It commended progress made regarding the passage of the Family Protection Act, particularly the "no drop" policy relating to reported cases of domestic violence, but remained concerned about discrimination, human rights abuses, reports of child sexual exploitation and violence against women. It made recommendations.

81. Uruguay praised progress regarding the recognition of women's rights; plans to provide universal education, focusing on very young children; public strategies and policies to combat HIV/AIDS and sexually transmitted diseases; the extension of a standing invitation to special procedure mandate holders; the ratification of the Rome Statute; the accession to CAT; and progress regarding the incorporation of the principles of the CEDAW into national legislation. It noted that deep-rooted patriarchal attitudes and stereotypes persisted in respect of gender-based roles. Uruguay made recommendations.

82. The Bolivarian Republic of Venezuela noted the role of the Ombudsman's Office and the constitutional right to be heard at the Supreme Court in cases of the violation of constitutional rights. It commended actions taken by the Department of Women's Affairs to guarantee gender equality; the policy of free primary education and the right to access education; and measures in the health-care sector. It applauded the development of national programmes in the areas of environmental disaster preparedness, taking into account the impact of climate change. It made recommendations.

83. Viet Nam noted the serious commitment of Vanuatu to the UPR process and the efforts to implement the recommendations accepted during the first cycle. It commended the achievements on legislative reform, the establishment of an interim NHRI and the adoption of specific measures for the improvement of education, health care, people's representation and mechanisms to increase women's participation. It urged the international community to continue providing technical assistance to facilitate the State's ongoing UPR review process. Viet Nam made recommendations.

84. Algeria noted tangible progress in the implementation of the recommendations of the first UPR cycle and efforts to improve living conditions, particularly in the areas of health and education. It also noted plans and policies for the elimination of discrimination against women, and legislation to ensure the protection of rights in areas such as employment and local government management. It also noted that Vanuatu had ratified CAT and UNCAC. Algeria made recommendations.

85. Argentina congratulated Vanuatu on being the first Pacific country to accede to CAT and encouraged it to continue efforts to fulfil its obligations thereunder. While noting the efforts to pass a comprehensive law on children and to develop the National Policy and Action Plan on Gender Equality and Women's Development 2014–2017, it urged the country to use those initiatives to address remaining challenges in those areas. It also noted the National Strategic Plan for HIV and STIs 2014–2018. Argentina made recommendations.

86. The delegation from Vanuatu replied to the additional questions. It recalled that Vanuatu had ratified UNCAC in July 2011 but was yet to transpose the Convention into its national laws. In August 2013, Vanuatu had provided its initial report on chapters 3 and 4 of UNCAC, with the assistance of UNODC.

87. The specific measures adopted on domestic violence included the review of the Family Protection Act, and the establishment of authorized persons and registered counsellors and of family protection units in all provinces, which had benefited both men and women, including women and girls with disabilities.

88. With regard to the question on the implementation of its first-cycle UPR recommendations, the delegation reiterated information provided in its opening statement on the State's achievements and the challenges encountered. On technical assistance, since the 2009 UPR, Vanuatu had received considerable technical assistance from OHCHR on the implementation of CAT and the establishment of the interim national human rights institution and the external inspection team to inspect prison conditions.

89. Moreover, since 2013, the Government of Vanuatu had established an interim national human rights institution which covers UPR.

90. With regard to the implementation of CEDAW, Vanuatu reported that, in 2011, a survey that was carried out on adult literacy in Shefa province identified women's participation in the formal labour market to be 40 per cent, in both the private and public sector. The delegation also referred to the project for economic empowerment for women and rural electrification in India, Barefoot College. It provided details in that regard.

91. It was also added that the National Policy and Action Plan on Gender Equality and Women's Development is part of the Government's effort to implement the priority action agenda national strategic priority 3 which is good governance and public sector reform.

92. With regard to sexual violence against girls, currently the Vanuatu Police Force had a unit called the Family Protection Unit working on cases of sexual violence. Under the National Policy and Action Plan on Gender Equality and Women's Development 2014–2017, nurse practitioners and counselling services would also be provided in a separate room within the unit to assist girls coming in to provide their statements in sexual violence cases.

93. On the question regarding a law on labour risks, Vanuatu was yet to process the drafting of the law with regard to labour risks.

94. With regard with ICESCR and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Vanuatu indicated that it was progressively realizing ICESCR, but would need more consultations and awareness-raising, and to learn from the experiences of neighboring countries that had already ratified ICESCR. The islands of Vanuatu were scattered and dispersed and thus had diverse cultures. Vanuatu needed to implement CAT fully before it would consider the Optional Protocol.

95. The delegation provided information regarding steps taken with regard to CAT. The Government in November 2013 signed a partnership agreement with the Government of New Zealand to continue with the project to upgrade the Stade Correctional Centre in Port Vila to include juvenile, women and high-risk and secured facilities.

96. In December 2013, the Government of Vanuatu, in collaboration with the Government of New Zealand, had agreed to the establishment of a new correctional centre for Tanna, including management, wardens and staff. In addition, in 2012, the Government had established an external prison inspection team with the specific aim of inspecting the conditions and treatment in prisons and promote the human rights of detainees.

97. The Government had considered the various discriminatory grounds enshrined in the current Citizenship Act. In that light, it was undertaking work to amend the various provisions of that law, in consultation with relevant stakeholders.

98. The delegation thanked all Member States for their participation. It acknowledged the comments and recommendations and requested that the international community assist the country technically and financially to better address human rights issues. Although the UPR process was still progressing slowly, even in its second cycle, in Vanuatu, through the firm stand of the Government, efforts would be made to uphold and promote human rights and improve in the next four years. It acknowledged the technical and financial support of OHCHR and the Pacific Islands Forum, and the human rights advisor and Secretariat of the Pacific Community in preparing the second UPR reports.

II. Conclusions and/or recommendations**

99. **The following recommendations will be examined by Vanuatu which will provide responses in due time, but no later than the twenty-sixth session of the Human Rights Council in June 2014:**

99.1. **Consider accession to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

99.2. **Accede to the Convention on the Prevention and Punishment of the Crime of Genocide and the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR) (Estonia);**

99.3. **Continue current efforts to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR) as well as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as soon as possible (Switzerland);**

99.4. **Consider ratifying the ICESCR (Spain);**

99.5. **Sign and ratify the following international instruments: ICESCR and its Optional Protocol (OP- ICESCR), the ICERD, the Second Optional Protocol to the ICCPR, and finally the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);**

99.6. **Accede to the ICERD (Iraq);**

99.7. **Ratify the ICESCR (Ireland);**

99.8. **Ratify ICESCR (Iraq);**[1]

99.9. **Become a party to the ICESCR (Montenegro);**

99.10. **Continue efforts in strengthening its national legal frameworks, including by ratifying the ICESCR (Indonesia);**

99.11. **Enhance technical cooperation with and seek support from the UN human rights mechanisms for further consideration of ratification of important documents on human rights, including the ICESCR (Viet Nam);**

99.12. **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), signed in 2007 (Spain);**

99.13. **Continue the efforts aimed at ratifying the CPED as well as the main international instruments on human rights, to which the country is not yet a party (Argentina);**

99.14. **Ratify the Optional Protocol to the Convention against Torture (United Kingdom of Great Britain and Northern Ireland);**

99.15. **Undertake in an effective manner the necessary amendments to fully incorporate the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into the domestic legal system as soon as possible (Switzerland);**

** The conclusions and recommendations have not been edited.

[1] The recommendation as read during the interactive dialogue was: "Ratify the International Covenant on Economic, Social and Cultural Rights, and accede to the International Covenant on Civil and Political Rights (Iraq)".

99.16. **Make efforts to fully align its national legislation with all obligations under the Rome Statute (Slovenia);**

99.17. **Endeavour to establish a human rights institution in the country in accordance with the Paris Principles (Nigeria);**

99.18. **Proceed with the establishment of a national human rights institution in compliance with the Paris Principles (Germany);**

99.19. **Establish an independent national human rights institution in accordance with the Paris Principles (Mexico);**

99.20. **Increase all kinds of measures aimed at establishing a national human rights institution, in compliance with the Paris Principles, with the assistance of the Office of the United Nations High Commissioner for Human Rights (Uruguay);**

99.21. **Strengthen the role of the Ombudsman, in particular its powers of investigation in cases involving politicians (France);**

99.22. **Continue to allocate resources to the Department of Women's Affairs to allow it to further enhance and implement programmes for the advancement of women's rights (Philippines);**

99.23. **Continue to improve the knowledge of human rights among its population, especially by promoting education and awareness-raising activities on the matter (Switzerland);**

99.24. **Further address human rights issues in the country, especially through promoting human rights education (Armenia);**

99.25. **Include human rights education in school curricula (Timor-Leste);**

99.26. **Provide human rights training to Government officials and teachers (Timor-Leste);**

99.27. **Continue its efforts to further improve the awareness on human rights issues and international human rights conventions in Vanuatu, particularly by providing training to government officials (Malaysia);**

99.28. **Mainstream human rights in all national programmes and policies (Timor-Leste);**

99.29. **Engage and involve the national parliament in the follow-up process and implementation of the accepted recommendations in the second UPR report of Vanuatu, and as an example, by hosting a briefing on the role of Parliament on the UPR process and implementation (Solomon Islands);**

99.30. **Submit the initial report to the International Covenant on Civil and Political Rights (Montenegro);**

99.31. **Respond as soon as possible to the pending request for the visit of the independent expert on the issue of foreign debt, in line with the standing invitation to the special procedures it had extended in 2009 (Slovenia);**

99.32. **Continue to promote legislation and actions to eliminate discrimination and strengthen protection of rights of vulnerable groups such as women, children and people with disabilities (China);**

99.33. **Develop affirmative actions for women's empowerment in the public and private sectors (Mexico);**

99.34. **Put in place a broad strategy, which includes legislation, to change or eliminate practices and cultural stereotypes which discriminate against women, in compliance with the CEDAW Convention (Uruguay);**

99.35. **Amend its Citizenship Act to avoid discrimination on the basis of sex and mitigates discrimination of women in employment and reduce existing wage gaps (Portugal);**

99.36. **Continue efforts to eliminate discriminatory practices against women, particularly regarding the granting of nationality (Algeria);**

99.37. **To not yield to the pressure to reintroduce the death penalty and maintain its abolition, in accordance with the global trend towards abolition (Spain);**

99.38. **Take prompt action to implement the Family Protection Act, and consider initiatives to raise community awareness of that Act (Australia);**

99.39. **Take all necessary measures for the effective implementation and dissemination of the Family Protection Act throughout the country, including in the most remote areas. In particular, in this respect, to provide sufficient funding to the department in charge of the implementation of this legislation (Belgium);**

99.40. **Take all measures to implement the Family Protection Act of 2008 and train the police specifically to receive complaints from women on violence perpetrated against them by their partners or spouses (France);**

99.41. **Continue to allocate sufficient resources to ensure the effective implementation of the Family Protection Act, and to adopt further measures to combat domestic violence, with a special focus on women and girls with disabilities, who are at greater risk of all sorts of violence (Netherlands);**

99.42. **Continue its specific measures already undertaken to ensure that persons concerned are informed about the content of the Family Protection Law (Switzerland);**

99.43. **Take all necessary measures so that the Family Protection Units can ensure that all cases of domestic violence are brought to justice (Switzerland);**

99.44. **Ensure the dissemination of information about protective measures that are available and the legal framework in place to protect women, also among the rural population of the country (Belgium);**

99.45. **Further extend education and publicity programmes to all regions in order to inform women, and particularly women with disabilities, of the availability of the protection orders, counselling services and education under the new law (New Zealand);**

99.46. **Continue its efforts in raising awareness campaigns to sensitize communities and general public on issues of domestic violence, with the support of the international community and other United Nations agencies (Bhutan);**

99.47. **Continue to enhance measures combating the social and cultural causes of gender-based violence, by promoting awareness-raising campaigns, especially, in the education sector (Spain);**

99.48. **Adopt a policy of prevention and public awareness, in addition to the work done by NGOs and the Vanuatu Women's Centre (Belgium);**

99.49. **Take the necessary measures to change the structures that prevent the implementation of CEDAW, including with regard to violence or murders linked to witchcraft (Canada);**

99.50. **Continue to take the necessary measures to combat all forms of violence against women and girls and to reduce discrimination against women, in particular in the job market and in national political life, where women are seriously underrepresented (Brazil);**

99.51. **Implement its legislation to prevent violence against women and adopt a strategy to properly tackle the unequal status of women (United Kingdom of Great Britain and Northern Ireland);**

99.52. **Improve the protection of the rights of women and girls, including by effectively addressing gender-based violence, particularly domestic violence, and by advancing programmes and training to counter discrimination with regard to women's employment and financial access (United States of America);**

99.53. **Take further measures in combating gender-based violence, domestic violence, ill-treatment and abuse of children including sexual abuse (Ukraine);**

99.54. **Include in its priority action plan measures to step up efforts towards protecting children from abuse or violence (Philippines);**

99.55. **Develop institutions for the support and protection of children (Belgium);**

99.56. **Strengthen the justice system in order to avoid loss of faith and respect in the judicial system among citizens, including to raise the efficiency of birth registration system (Estonia);**

99.57. **Take steps to further enhance the capacity of the judiciary, especially with regard to the backlog of court cases and the staffing of the Public Prosecutor's and the Public Solicitor's Offices (Germany);**

99.58. **Continue to implement effective crime prevention measures to ensure safety and social order in its society (Singapore);**

99.59. **Implement reforms to ensure Vanuatu is able to meet its obligations under the United Nations Convention against Torture regarding prosecution for acts of torture, attempt to commit torture, or complicity or participation in torture (United States of America);**

99.60. **Take the necessary steps to ensure that the principles that guarantee equality between men and women are applied in judicial proceedings and that socio-legal services are made more available to women (Canada);**

99.61. **Ensure that perpetrators of violence against women are duly prosecuted and convicted (Belgium);**

99.62. **Incorporate systematically in police training awareness-raising on the rights of victims and suspects (France);**

99.63. **Consider incorporating the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, otherwise known as the "Bangkok Rules", as part of its programme to enhance the conditions of women detainees in prisons (Thailand);**

99.64. **Develop legislation and appropriate sentences for juvenile offenders (Belgium);**

99.65. **Continue efforts to introduce a criminal justice process for youth in Vanuatu, which improves the outcomes for offenders, victims and their families (New Zealand);**

99.66. **Expedite the legislative process to bring the juvenile justice system in line with the standards of the Convention on the Rights of the Child, and additionally strengthen training programmes for police officers and the judiciary (Uruguay);**

99.67. **Develop rehabilitation centres for young offenders with facilities that promote the psychological and physical development of these young persons and their social reintegration (Mexico);**

99.68. **Revise the legislation on the age of criminal responsibility (France);**

99.69. **Continue to step up efforts to raise the minimum age for criminal responsibility including continuing review of relevant legislation (Trinidad and Tobago);**

99.70. **Implement promptly the United Nations Convention against Corruption (Australia);**

99.71. **Fully align its national legislation and policies with the provisions of the United Nations Convention against Corruption in order to effectively combat corruption and to further improve integrity, transparency and accountability (Netherlands);**

99.72. **Continue taking steps to ensure that births of all children are registered (Ukraine);**

99.73. **Strengthen all types of measures aimed at the universal registration of children across the country, among others, through a broader use of the mobile birth registration system, promoting new awareness-raising strategies on the importance of birth registration and ensuring that it remains free (Uruguay);**

99.74. **Approve the Right to Information Bill and National Media Policy and decriminalize defamation in accordance with international standards (Estonia);**

99.75. **Accelerate the introduction of a law on freedom of information in line with international standards (Ireland);**

99.76. **Take further steps to ensure the progressive realization for all inhabitants of the human right to safe drinking water and sanitation (Germany);**

99.77. **Adopt policies and take measures to ensure full realization of the right to safe drinking water and sanitation, with special focus on rural areas (Maldives);**

99.78. **Invest in the necessary infrastructure so that all citizens have access to adequate drinking water and sanitation, especially in rural areas (Spain);**

99.79. **Ensure that all Vanuatu people are able to access health services (Nigeria);**

99.80. **Continue to take measures that allow the improvement of the health and education systems of its population (Cuba);**

99.81. **Continue to promote its progressive improvements to provide adequate access to its population to basic and quality health-care services (Venezuela (Bolivarian Republic of));**

99.82. **In cooperation with the relevant international organizations, continue its programmes to improve the public health standards and well-being of its people (Singapore);**

99.83. **Strengthen efforts to make further progress in the health-related MDGs (Sri Lanka);**

99.84. **Continue addressing the HIV/AIDS impact on women and children, in particular the mother-to-child transmission (Thailand);**

99.85. **Continue to consolidate its education policies to improve the living conditions of its people, in particular of the neediest sectors of the population (Venezuela (Bolivarian Republic of));**

99.86. **Prioritise the education of all Vanuatu citizens (Nigeria);**

99.87. **Take all the necessary measures to ensure that the right to education is enjoyed by all children (Brazil);**

99.88. **Give consideration to improving its domestic legislation and existing programs aimed at increasing access to education (Philippines);**

99.89. **Develop a compulsory education policy for primary school-aged children and continue to promote the importance of education (Australia);**

99.90. **Take legal measures to provide free and compulsory education for all under the right to education, and implement the inclusive education policy (Maldives);**

99.91. **Continue to formulate appropriate plans to establish a compulsory education policy (Trinidad and Tobago);**

99.92. **Continue efforts to make education more accessible through a compulsory primary education policy (Sri Lanka);**

99.93. **Provide primary education accessible to all by making education compulsory at the primary level (Timor-Leste);**

99.94. **Take measures to improve access to grants for primary education, to make primary education compulsory, to improve the quality of primary education in remote regions and to increase the facilities to obtain secondary education throughout the country (Germany);**

99.95. **Continue efforts to implement the Universal Primary Education Policy, including by increasing its budgetary allocation and formulating the compulsory education policy (Indonesia);**

99.96. **Allocate more resources to the education sector (Timor-Leste);**

99.97. **Put in place a strategy for the promotion of access to education for women and girls, reduce dropout rates among girls in secondary education and improve the access to and the quality of education in rural areas (Canada);**

99.98. **Reinforce efforts addressing high level of adult illiteracy and low rate of girl's enrolment in secondary and higher levels of education (Ukraine);**

99.99. **Vanuatu is encouraged to take steps to fully implement its policies and action plans on the rights of women and persons with disabilities (Solomon Islands);**

99.100. **Ensure all relevant domestic laws include disability as a prohibited ground of discrimination (New Zealand);**

99.101. **Continue its work progressing towards implementation of the Convention on the Rights of Persons with Disabilities (CRPD), including through prompt implementation of the new Building Code for the Public Works Department to ensure buildings and amenities are disability-friendly (Australia);**

99.102. **Adopt measures to ensure the accessibility of persons with disabilities to places such as schools, hospitals, markets and public offices (Spain);**

99.103. **Continue with the measures aimed at improving the protection and integration of persons with disabilities, in particular in the areas of access to education and public transport (Argentina);**

99.104. **Promote the situation of disabled persons and their working conditions (Algeria);**

99.105. **Continue to be committed to economic and social development, reduce the development gap between rural and urban areas, better protect people's right to health and right to development (China);**

99.106. **Continuously seek international support in terms of technical and financial assistance in order to increase capacity-building and to develop programmes and policies aimed at promoting the enjoyment of human rights to all citizens in key areas, such as health and education (Timor-Leste);**

99.107. **Continue to seek technical assistance to address the specific problem of the disproportionately negative impact of climate change on women and children (Trinidad and Tobago);**

99.108. **Continue to develop awareness-raising and action programmes for its population, with the necessary international cooperation and solidarity of the community of nations, in order to deal with the impacts of climate change (Venezuela (Bolivarian Republic of));**

99.109. **Continue its current momentum and efforts on democracy, good governance, legislative reform and capacity building for national human rights mechanisms, with more focus on employment for youth, education, health care, social welfare and preparedness and resilience in response to climate change (Viet Nam).**

100. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

[English only]

Composition of the delegation

The delegation of Vanuatu was headed by Ms. Jenny Tevi, Department of Foreign Affairs and composed of the following members:

- Mr. Charlie Harrison, Vice Chair UPR Committee, VANGO CEO;
- Ms. Julie Garoleo, Human Resource Manager, Ministry of Lands & Natural Resource.